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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,393

09/26/2003

Tateki Jozaki

000560-00125

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7590

12/08/2004

EXAMINER

LE, DAVID D

BLANK ROME LLP

600 NEW HAMPSHIRE AVENUE, N.W.

WASHINGTON, DC 20037

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/670,393

Applicant(s)

JOZAKI ET AL.

Examiner

David D. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/23/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is the first Office action on the merits of Application No. 10/670,393, filed on 26 September 2003. Claims 1-7 are pending.

### **Documents**

2. The following documents have been received and filed as part of the patent application:
  - Information Disclosure Statement, received on 12/23/03
  - Drawings, received on 01/07/04

### ***Drawings***

3. The drawings were received on 07 January 2004. These drawings are approved.

### ***Specification***

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it has exceeded 150 words and contained legal phraseology, "means". Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

6. Claim 1 is objected to because of the following informalities:
- Line 9, the "(ASTP)" should be --ASTP--; and
  - Line 10, the "(BSTP)" should be --BSTP--. (See MPEP 608.01 (m))

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. **Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant**

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Claims 1-7:

- Claim 1, line 13 recites the limitation “a step-out”. It is unclear whether this “a step-out” is different from the one, which is first recited on line 12 of the claim.
- Claim 2, line 3 recites the limitation “a step-out”. It is unclear whether this “a step-out” is different from the one, which is first recited on line 12 of claim 1.
- Claim 2, lines 4-5 recites the limitation “a step position (ASTP)”. It is unclear whether this “a step position (ASTP)” is different from the one, which is first recited on line 9 of claim 1.
- Claim 3, line 3 recites the limitation “a step-out”. It is unclear whether this “a step-out” is different from the one, which is first recited on line 12 of claim 1.
- Claim 4, line 3 recites the limitation “a step-out”. It is unclear whether this “a step-out” is different from the one, which is first recited on line 12 of claim 1.
- Claim 5, line 3 recites the limitation “a step-out”. It is unclear whether this “a step-out” is different from the one, which is first recited on line 12 of claim 1.

- Claims 2-7 recite the phrase “on an occasion of step-out determination”. It is unclear what applicant is referring to by the recited phrase.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**10. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,788,599 to Adachi et al.**

**Claims 1-7:**

Adachi (i.e., Figs. 1-10; column 3, line 29 – column 9, line 30) discloses a continuously variable transmission system comprising:

- A stepper motor (113);
- An input rotation detection means (i.e., the engine speed signal S3 or the turbine rotation speed signal S7);
- An output rotation detection means (i.e., the vehicle speed sensor S8);
- A selector position signal (S6);
- A braking signal (S5);
- An electronic control unit (101);
- A hydraulic control unit (102);

- An actual speed change ratio calculation means (being the target ratio computing unit (410), which serves the functions of the claimed actual speed change ratio calculation means (i.e., column 6, lines 30-41));
- A step-out determination means (being the rotation ratio command unit (420), which serves the functions of the claimed step-out determination means (i.e., column 6, lines 42-47));
- A step-out correction means (being the step motor angle position adjustment unit (450), which serves the functions of the claimed step-out correction means (i.e., column 6, lines 47-49));
- A drive means for driving the step motor using the corrected ASTP (i.e., column 6, lines 47-49);
- Wherein the step-out determination means determines a step-out of the step motor when a step-out determination condition that hydraulic pressure is in a state capable of realizing a speed change ratio corresponding to a step position of the step motor stored in the speed change ratio control unit;
- Wherein the step-out determination means determined a step-out of the step motor when a step-out determination condition that an alteration of the speed change ratio is a predetermined value;

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- Wherein the step-out determination means determines a step-out of the step motor when a step-out determination condition that braking is not being operated; and
- Wherein the step-out determination means determines a step-out of the step motor when a step-out determination condition that a lever is not being operated by a driver.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Yamamoto et al. (U. S. Patent Application No. US 2004/0116245) teaches a system and a method of controlling line pressure for V-Belt type continuously variable transmission, as disclosed in paragraphs [0053], [0057], and [0066].
- Nakano et al. (U. S. Patent No. 4,829,433) teaches a control system for continuously variable transmission, as shown in Fig. 3.
- Yamamuro et al. (U. S. Patent No. 4,735,113) teaches a control device for an automatic transmission as shown in Fig.3.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Le whose telephone number is 703-305-3690. The examiner can normally be reached on Mon-Fri (0700-1530).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ddl

  
CHARLES A. MARMOR  
SUPERVISORY PATENT EXAMINER  
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